

## **REMARKS**

Reconsideration of this application is respectfully requested.

### **1. Status of the Application**

Claims 8 – 10, 12 – 14, 23 – 35, 51 and 61 - 68 are currently pending, with claims 1 – 7, 11, 15 – 22, 36 – 50, and 52 – 60 having previously been canceled.

Claims 8, 12, 28, 29, 35, 51 and 62 are amended. No new matter is introduced. Support for the amendments may be found, for example, in Applicants' specification at page 19, line 13 through page 20, line 12.

### **2. Non-Statutory Obviousness-Type Double Patenting**

The rejection of claims 8, 28, 29 and 35 for obviousness-type patenting over claims 1 and 3 of U.S. Patent No. 7,418,437 and claims 15 and 32 of U.S. Patent No. 7,472,071 is noted. A Terminal Disclaimer over the '437 and '071 Patents is submitted presently together with this Response. The Terminal Disclaimer is believed to overcome the double patenting rejection.

Therefore, Applicant respectfully requests that the rejections of claims 8, 28, 29 and 35 for obviousness-type double patenting be withdrawn.

### **3. Objection to Claims**

Claims 9, 10, 12 – 14, 23 – 27, 30 – 34, 51 and 61 – 68 are objected to. Applicant believe that claims 9, 10, 12 – 14, 23 – 27, 30 – 34, 51 and 61 – 68 are objected to as depending from

rejected claims 8, 28, 29 and 35. For the reasons presented above, Applicant believes that the rejection of claims 8, 28, 29 and 35 has been overcome.

Therefore, Applicant respectfully requests that the objections to claims 9, 10, 12 – 14, 23 – 27, 30 – 34, 51 and 61 – 68 be withdrawn.

4. **Claim Amendments**

The present Office Action records an Examiner's Amendment that was made by the Examiner to claims 8, 9, 12, 28, 29, 35 and 62 in order to place the application in condition for allowance. Applicant further amends claims 8, 12, 28, 29, 35, 51 and 62 to provide improved clarity, consistency and accuracy in these claims.

Therefore, Applicant respectfully requests that the amendments to claims 8, 12, 28, 29, 35, 51 and 62 be entered, and that the application be passed to allowance.

**CONCLUSION**

In view of the foregoing amendments and remarks, it is our understanding that the claims now present in the application clearly avoid the art of record and are now in condition for allowance. Early and favorable reconsideration is respectfully requested.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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